

## **REMARKS**

### **I. Status of the Claims**

Upon entry of the present amendment, claim 16 is canceled. Claims 1, 3-15, 17-21, 34, and 35 remain pending.

### **II. Sequence Listing**

The Examiner has objected to the formal sequence listing provided with Applicants' last response for not being accompanied with a statement that the contents of the paper and computer readable versions are the same. In response, Applicants hereby state that the amendment relating to sequence listing submitted on May 18, 2010, is in adherence with 37 C.F.R. §§1.821 to 1.825. This amendment was accompanied by a computer readable form containing SEQ ID NOs:1-26 and a PDF/paper copy of the sequence information, which had been printed from the computer readable form. The information contained in the computer readable form was prepared through the use of the software program "PatentIn" and is identical to that of the PDF/paper copy. The amendment relating to sequence listing introduced no new matter.

### **III. Claim Rejections**

#### **A. 35 U.S.C. §112, First Paragraph**

Claim 16 is rejected under 35 U.S.C. §112, first paragraph, for alleged lack of enablement. In particular, the Examiner contends that the specification does not enable any person skilled in the art to practice the claimed method by administering a nucleic acid encoding the ADNF polypeptides. Although not agreeing with the Examiner, Applicants have canceled claim 16 for the sole purpose of expediting prosecution. The enablement rejection is therefore moot.

#### **B. Double Patenting**

Claims 1, 3-15, 17-21, 34, and 35 are rejected under the judicially created doctrine of obviousness type of double patenting for allegedly being unpatentable over claims 6-

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Amdt. dated August 16, 2010  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 1649

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10 of U.S. Patent No. 6,174,862. Although not agreeing with the Examiner, Applicants have submitted with this response a terminal disclaimer disclaiming the patent term beyond that of U.S. Patent No. 6, 174,862, again for the sole purpose of expediting prosecution. The double patenting rejection is therefore moot.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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